

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant.	Adv. Pro. No. 08-01789 (SMB) SIPA LIQUIDATION (Substantively Consolidated)
In re: BERNARD L. MADOFF, Debtor.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, v. RICHARD FELDMAN, Defendant.	Adv. Pro. No. 10-04560 (SMB)

**STIPULATION AND ORDER
REFERRING MATTER TO DISCOVERY ARBITRATOR**

WHEREAS, on December 1, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against Richard Feldman (“Defendant”, and together with the Trustee, the “Parties”);

WHEREAS on July 5, 2016, the Trustee filed a Letter Requesting a Conference with the Court [Dkt. 44] (“Letter”) seeking permission to file a motion to compel Defendant to respond to

discovery requests and to produce documents, and to have Requests for Admission deemed admitted in accordance with Federal Rule of Civil Procedure 36(a)(3);

WHEREAS on September 27, 2016, Judge Bernstein held a telephonic discovery conference with the Parties to address Defendant's discovery deficiencies, and granted the Trustee permission to file a motion to compel; and

WHEREAS on October 4, 2016, Judge Bernstein entered an Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390 (the "October 4, 2016 Order") appointing the Honorable Frank Maas (ret.), c/o JAMS, Inc. as Discovery Arbitrator (the "Discovery Arbitrator") to resolve discovery disputes that may arise and which have been specifically referred to him by the Court with consent of the parties to the dispute.

NOW, THEREFORE, THE PARTIES TO THIS STIPULATION AGREE AND STIPULATE AS FOLLOWS:

1. The Parties agree that the dispute set forth in the Trustee's Letter shall be resolved by the Discovery Arbitrator consistent with the procedures outlined in the October 4, 2016 Order.

2. The Parties agree that within three days of entry of this Stipulation, the Trustee will transmit via email a letter summarizing the dispute of no more than three (3) pages, excluding exhibits, to the Discovery Arbitrator, as contemplated in paragraph 7 of the October 4, 2016 Order.

3. The Parties agree that within ten days of entry of this Stipulation, Defendant will transmit via email a letter response not to exceed three (3) pages, excluding exhibits, to the Discovery Arbitrator, as contemplated in paragraph 8 of the October 4, 2016 Order.

4. The Parties agree that the Discovery Arbitrator shall thereafter establish procedures for resolution of the dispute, as contemplated in paragraph 8 of the October 4, 2016 Order.

5. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have.

ORDERED, that this Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

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Dated: October 31, 2016
New York, New York

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Attorneys for Defendant

So Ordered this 31st day of October, 2016.

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE